

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Rothermel and Williams

Serial No.: 09/782,953

Filed: February 13, 2001

For: METHODS AND COMPOSITIONS  
RELATING TO MUSCLE SELECTIVE  
CALCINEURIN INTERACTING  
PROTEIN (MCIP)

Group Art Unit: 1653

Examiner Samuel W. Liu

Atty. Dkt. No.: MYOG:036US/HYL

CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 2231301450, on the date below:

July 20, 2005  
Date

Steven L. Highlander

**DECLARATION OF BEVERLY ROTHERMEL AND R. SANDERS WILLIAMS**

**UNDER 37 C.F.R. §1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Dear Sir:

We, Beverly Rothermel and R. Sanders Williams, do declare the following:

1. We are citizens of the United States. Beverly Rothermel resides at 1409 Schumac Lane, Bedford, TX 76022 and R. Sanders Williams resides at 2 Pilling Place, Durham, NC 27707.
2. R. Sanders Williams currently holds the position of Dean of the Medical School at Duke University. Beverly Rothermel currently holds the position of Assistant Professor at The University of Texas Southwestern Medical Center at Dallas.
3. R. Sanders Williams is the first inventor listed as an inventor in the above-captioned application and Beverly Rothermel is the second inventor listed as an inventor for the same.

4. The subject matter of the rejected claims was conceived prior to the earliest effective date of the cited reference, U.S. Patent 6,673,604. As support of this statement, we have attached hereto a notebook page showing purchase of primers for the amplification of MCIP (then known as DSCR-1), which page is dated prior to July 23, 1999. This page, coupled with the invention disclosure submitted with the Declaration previously on record, demonstrates our conception of the invention prior to the earliest effective date of the '604 patent. Further, there was continuous work on the project from before July 23, 1999 to the time of filing of the instant application, namely February 13, 2001.
5. We hereby declare that all statements made of our own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

7/25/05  
Date

Beverly Rothermel  
Beverly Rothermel

\_\_\_\_\_  
Date

\_\_\_\_\_  
R. Sanders Williams



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Date

7/25/05

Date

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Beverly Rothcrnel



R. Sanders Williams